

STANDING CHAPTER 13 TRUSTEE FOR THE DISTRICT OF UTAH

Kevin R. Anderson, Trustee
405 South Main Street, Suite 600
Salt Lake City, Utah 84111

TELEPHONE: (801) 596-2884

TELECOPY: (801) 596-2898

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Honorable Glen E. Clark
350 South Main Street, Room 369
Salt Lake City, UT 84111

Re: Chapter 13 Attorney's Fees under BAPCPA

Dear Judge Clark:

Set forth below is an interesting proposed procedure from the District of Nevada to determine reasonable attorney's fees in a Chapter 13 case. This comes from their form Chapter 13 plan that can be found at www.lasvegas13.com.

Instead of setting a fixed dollar amount for the "no-look fee," the Court has set 16 hours of attorney time as the "no-look lodestar" amount. Attorneys may request an amount up to the product of their billable rate times 16 hours (the billable rate is disclosed in the plan). Any fees above those specifically requested or that exceed the "no-look lodestar" amount require a separate court order.

I am not necessarily recommending this approach, but I wanted to make the Court aware of all the options regarding an efficient and fair means to deal with attorney's fees in Chapter 13 cases.

2.08. Debtor's attorney's fees. The attorney's fees and costs in this case through Confirmation of the plan shall be \$____. The sum of \$____ has been paid to the attorney prior to filing the petition. The balance of \$____ shall be paid through the plan. Debtor may incur additional attorneys fees post-confirmation estimated in the amount of \$____. If fees and costs stated above are in excess of 16 Hours X (Insert Attorneys Billable Hourly Rate) + (Filing Fee) = (TOTAL), such fees and costs must be approved by the Court. However, all fees are subject to review and approval by the Court. It is contemplated that the debtor will continue to utilize the services of their attorney through the completion of the plan or until the attorney is relieved by Order of the Court. Any additional attorney's fees and costs after confirmation must be paid through the plan only after approval of the Court.

Respectfully Submitted,

Kevin R. Anderson
Chapter 13 Trustee